IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7473 OF 2004

Pandurang Dharma Madhavi & Ors. .. Petitioners.
Vs.
Vishankumar Udaysingh Verma & Ors. .. Respondents.

Mr.P.K.Dhakepalkar i/b Mr.R.A.Karale for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 25TH FEBRUARY, 2005

P.C.:

. Heard Mr.Dhakepalkar, learned counsel for the petitioners.

2. This petition is directed against the interlocutory order dated 30.8.2003 by which application Exhibit 114-A filed by the petitioner-defendant was rejected. That application was filed for recording an abatement of the suit since the heirs and legal representatives of most of the deceased defendants, who died pending hearing of the suit, were not brought on record by the plaintiffs. This being an interlocutory order Mr.Dhakephalkar fairly submitted that the petitioners would be satisfied if they are given liberty to raise

the questions which are raised in the instant petition, in substantive appeal, if the suit is decreed against them. Keeping that option open to the petitioners this petition is disposed of.

(D.B.Bhosale, J.)